

## **REMARKS**

Reconsideration of and entry of this amendment is respectfully requested. Claims 1 to 4 remain in the case for examination and claims 5 to 6 have been retained pending the decision to file a divisional application.

The Examiner rejected claims 1 to 4 under 35 U.S.C. § 103 (a) as being unpatentable over Osada et al. (5,603,879) in view of Lebensfeld (5,453,000). Claim 1 the only independent claim has been amended to now positively recite features of the invention not disclosed or suggested by either of the references applied.

The Examiner took the position that Osada et al. teaches the claimed apparatus having a cavity (20) formed by dies (7, 8), the vacuum apparatus (45) disposed in proximity to the cavity and communicates with a circumferential portion of the cavity. The Examiner also held that the vacuum tank (45) also has a valve (47, 48), for controlling the opening and closing of the passages between the vacuum channel and the exhaustion channel (39). The Examiner recognized that Osada et al. failed to teach or suggest a vacuum tank in the die apparatus and the tank being at least a larger than a total volume capacity of the cavity plus the exhaustion channel. The Examiner also cited Lebensfeld for its teaching of a molding apparatus wherein the mold (80) is in close proximity to the vacuum tank 61 (Fig. 14-18). The Examiner also found that the pump of Lebensfeld is located inside the housing (12) of the apparatus along with the mold (80). Claim 1 has been amended to positively recite that the molding apparatus of the present invention obtains a unitary molded disc-shaped product. Osada et al's mold apparatus does not obtain a unitary disc-shaped product but encases at least two separate parts. Lebensfeld is a child's toy vacuum molding apparatus which heats a thin sheet of plastic such as colored styrene or metalized poly-vinyl chloride. The sheet is heated until suitable softened and then a vacuum is applied through the mold and to the sheet thereby drawing the sheet to conform to the mold's shape.

The Examiner then held that it would be obvious to one of ordinary skill in the art to modify Osada et al. with the tank located inside the apparatus in close proximity to the cavity as taught by Lebensfeld because it allows for portability of the entire apparatus in a single housing. Applicant traverses this proposition because Lebensfeld, since it is a child's toy, provides portability as the molding apparatus is not large or heavy. Both the invention herein and Osada et al. disclose a commercial die apparatus significantly heavier and bulkier than the toy of

Lebensfeld. Thus there is no motivation or suggestion either in Lebensfeld or Osada et al. to make the modification suggested by the Examiner.

The Examiner also held it would have been obvious to one of ordinary skill in the art to change the size of the tank for the desired vacuum effect on the cavity. There is no motivation, teaching, or suggestion either in Osada et al or Lebensfeld to make the tank the size claimed. The Examiner's statement that a larger tank size for achieving a complete vacuum is in error. As the size of a vacuum tank has no bearing on the effectiveness of the vacuum drawn. The strength of the vacuum is based on the strength of the sucking power by the apparatus which produces the vacuum. Also, again since Lebensfeld discloses a toy, the vacuum is applied in Lebensfeld manually through operation of handle 68 so that the effective vacuum to be drawn in the Lebensfeld device is quite limited. Accordingly Lebensfeld is totally devoid of any teaching or suggestion of increasing vacuum tank size to increase vacuum pressure.

It is requested that the present amendment be entered as the claims are in better condition for appeal.

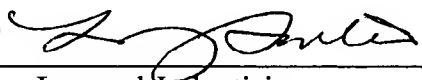
Accordingly in view of the above amendments and remarks, favorable reconsideration and allowance of the application are respectfully requested.

#### **CONCLUSION**

No additional fee is believed to be required for the filing of this amendment, but if such is, please charge it for this application to Deposit Acct. No. 03-0520.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,  
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